

REFERENCE TITLE: tax refund check-off boxes

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1021

Introduced by
Senator Waring

AN ACT

AMENDING SECTIONS 16-954, 43-613, 43-614, 43-615, 43-616 AND 43-618, ARIZONA REVISED STATUTES; RELATING TO INDIVIDUAL INCOME TAX REFUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-954, Arizona Revised Statutes, is
4 amended to read:

5 16-954. Clean elections tax reduction: return of excess monies.

6 A. For tax years beginning on or after January 1, 1998, a taxpayer who
7 files on a state income tax return form may designate a five-dollar voluntary
8 contribution per taxpayer to the fund by marking an optional check-off box on
9 ~~the first page of~~ the form. A taxpayer who checks this box shall receive a
10 five-dollar reduction in the amount of tax, and five dollars from the amount
11 of taxes paid shall be transferred by the department of revenue to the fund.
12 The department of revenue shall provide check-off boxes, identified as the
13 clean elections fund tax reduction, on ~~the first page of~~ income tax return
14 forms, for designations pursuant to this subsection.

15 B. Any taxpayer may make a voluntary donation to the fund by
16 designating the fund on an income tax return form filed by the individual or
17 business entity or by making a payment directly to the fund. Any taxpayer
18 making a donation pursuant to this subsection shall receive a
19 dollar-for-dollar tax credit not to exceed twenty ~~percent~~ PER CENT of the tax
20 amount on the return or five hundred dollars per taxpayer, whichever is
21 higher. Donations made pursuant to this section are otherwise not tax
22 deductible and cannot be designated as for the benefit of a particular
23 candidate, political party, or election contest. The department of revenue
24 shall transfer to the fund all donations made pursuant to this subsection.
25 The department of revenue shall provide a space, identified as the clean
26 elections fund tax credit, on ~~the first page of~~ income tax return forms, for
27 donations pursuant to this subsection.

28 C. Beginning January 1, 1999, an additional surcharge of ten ~~percent~~
29 PER CENT shall be imposed on all civil and criminal fines and penalties
30 collected pursuant to section 12-116.01 and shall be deposited into the fund.

31 D. At least once per year, the commission shall project the amount of
32 monies that the fund will collect over the next four years and the time such
33 monies shall become available. Whenever the commission determines that the
34 fund contains more monies than the commission determines that it requires to
35 meet current debts plus expected expenses, under the assumption that expected
36 expenses will be at the expenditure limit in section 16-949, subsection A,
37 and taking into account the projections of collections, the commission shall
38 designate such monies as excess monies and so notify the state treasurer, who
39 shall thereupon return the excess monies to the general fund.

40 E. At least once per year, the commission shall project the amount of
41 citizen funding for which all candidates will have qualified pursuant to this
42 article for the following calendar year. By the end of each year, the
43 commission shall announce whether the amount that the commission plans to
44 spend the following year pursuant to section 16-949, subsection A exceeds the
45 projected amount of citizen funding. If the commission determines that the

1 fund contains insufficient monies or the spending cap would be exceeded were
2 all candidate's accounts to be fully funded, then the commission may include
3 in the announcement specifications for decreases in the following parameters,
4 based on the commission's projections of collections and expenses for the
5 fund, made in the following order:

6 1. First, the commission may announce a decrease in the matching cap
7 under section 16-952, subsection E from three times to an amount between
8 three and one times.

9 2. Next, the commission may announce that the fund will provide
10 equalization monies under section 16-952, subsections A and B as a fraction
11 of the amounts there specified.

12 3. Finally, the commission may announce that the fund will provide
13 monies under section 16-951 as a fraction of the amounts there specified.

14 F. If the commission cannot provide participating candidates with all
15 monies specified under sections 16-951 and 16-952, as decreased by any
16 announcement pursuant to subsection E of this section, then the commission
17 shall allocate any reductions in payments proportionately among candidates
18 entitled to monies and shall declare an emergency. Upon declaration of an
19 emergency, a participating candidate may accept private contributions to
20 bring the total monies received by the candidate from the fund and from such
21 private contributions up to the adjusted spending limits, as decreased by any
22 announcement made pursuant to subsection E of this section.

23 Sec. 2. Section 43-613, Arizona Revised Statutes, is amended to read:
24 43-613. Contribution to child abuse prevention fund

25 A. Unless not required pursuant to subsection B of this section, the
26 department shall provide a space on ~~the first page of~~ the individual income
27 tax return form in which the taxpayer may designate an amount of the
28 taxpayer's refund as a voluntary contribution to the child abuse prevention
29 fund established under section 8-550.01.

30 B. After subtracting any setoff for debts pursuant to section 42-1122
31 the department ~~OF REVENUE~~ shall subtract the designated amount from the
32 refund due the taxpayer and transfer it to the department of economic
33 security for credit to the fund. ~~The department shall determine the initial
34 administrative cost of this section and report the amount to the department
35 of economic security who shall transfer that amount from the fund to the
36 state general fund.~~ The department of economic security shall separately
37 account for the monies in the fund derived from contributions under this
38 section and notify the department ~~OF REVENUE~~ if such monies exceed ten
39 million dollars. If such monies do exceed ten million dollars on June 30,
40 this section does not apply and the department ~~OF REVENUE~~ shall not provide
41 the space otherwise required by this section on the tax return for that
42 taxable year.

43 C. The taxpayer may also donate any amount to the child abuse
44 prevention fund, in lieu of or in addition to the designated portion of the

1 income tax refund, by an appropriate indication on the return and by
2 including that amount with the return.

3 Sec. 3. Section 43-614, Arizona Revised Statutes, is amended to read:

4 43-614. Contribution of portion of refund to special olympics

5 A. The department shall provide a space on ~~the first page of~~ the
6 individual income tax return form in which the taxpayer may designate an
7 amount of the taxpayer's refund as a voluntary contribution to the special
8 olympics tax refund fund established pursuant to section 41-173.

9 B. After subtracting any setoff for debts pursuant to section 42-1122
10 the department **OF REVENUE** shall subtract the designated amount from the
11 refund due the taxpayer. The department **OF REVENUE** shall transfer the
12 designated amount to the department of economic security for credit to the
13 special olympics tax refund fund.

14 C. The taxpayer may also donate any amount to the special olympics tax
15 refund fund, in lieu of or in addition to the designated portion of the
16 income tax refund, by an appropriate indication on the return and by
17 including that amount with the return.

18 Sec. 4. Section 43-615, Arizona Revised Statutes, is amended to read:

19 43-615. Contribution to game, nongame, fish and endangered
20 species fund

21 A. The department shall provide a space on ~~the first page of~~ the
22 individual income tax return form in which the taxpayer may designate an
23 amount of the taxpayer's refund as a voluntary contribution to the game,
24 nongame, fish and endangered species fund established pursuant to section
25 17-268.

26 B. After subtracting any setoff for debts pursuant to section 42-1122,
27 the department shall subtract the designated amount from the refund due the
28 taxpayer and transfer it to the **ARIZONA GAME AND FISH** commission for deposit
29 in the fund. ~~The department shall determine the initial administrative cost~~
30 ~~of this section and report the amount to the commission who shall transfer~~
31 ~~that amount from the fund to the state general fund.~~

32 C. The taxpayer may also donate any amount to the game, nongame, fish
33 and endangered species fund, in lieu of or in addition to the designated
34 portion of the income tax refund, by an appropriate indication on the return
35 and by including such amount with the return.

36 Sec. 5. Section 43-616, Arizona Revised Statutes, is amended to read:

37 43-616. Contribution to neighbors helping neighbors fund

38 A. The department shall provide a space on ~~the first page of~~ the
39 individual income tax return form in which the taxpayer may designate an
40 amount of the taxpayer's refund as a voluntary contribution to the neighbors
41 helping neighbors fund established pursuant to section 46-741.

42 B. After subtracting any setoff for debts pursuant to section 42-1122,
43 the department **OF REVENUE** shall subtract the designated amount from the
44 refund due the taxpayer and transfer it to the department of economic
45 security for deposit in the fund. ~~The department shall determine the initial~~

1 ~~administrative cost of this section and report the amount to the department
2 of economic security who shall transfer that amount from the fund to the
3 state general fund.~~

4 C. The taxpayer may also donate any amount to the fund, in lieu of or
5 in addition to the designated portion of the income tax refund, by an
6 appropriate indication on the return and by including that amount with the
7 return.

8 Sec. 6. Section 43-618, Arizona Revised Statutes, is amended to read:
9 43-618. Contribution to domestic violence shelter fund

10 A. The department shall provide a space on ~~the first page of~~ the
11 individual income tax return form in which the taxpayer may designate an
12 amount of the taxpayer's refund as a voluntary contribution to the domestic
13 violence shelter fund established pursuant to section 36-3002 ~~as amended by~~
14 ~~Laws 1997, chapter 210.~~

15 B. After subtracting any setoff for debts pursuant to section 42-1122,
16 the department ~~OF REVENUE~~ shall subtract the designated amount from the
17 refund due the taxpayer and transfer it to the department of economic
18 security for deposit in the fund. ~~The department shall determine the initial
19 administrative cost of this section and report the amount to the department
20 of economic security who shall transfer that amount to the state general
21 fund.~~

22 C. The taxpayer may also donate any amount to the fund, in lieu of or
23 in addition to the designated portion of the tax refund, by an appropriate
24 indication on the return and by including that amount with the return.

25 Sec. 7. Requirements for enactment: three-fourths vote

26 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
27 section 16-954, Arizona Revised Statutes, as amended by this act, is
28 effective only on the affirmative vote of at least three-fourths of the
29 members of each house of the legislature.

30 Sec. 8. Effective date

31 This act is effective and applies with respect to income tax returns
32 for taxable years beginning from and after December 31, 2009.